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EXAMINER
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CHOW, CHARLES CHIANG

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/590,489	<b>Applicant(s)</b> COHEN, MARC S.	
	<b>Examiner</b> Charles Chow	<b>Art Unit</b> 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**  
**(for amendment received on 7/21/2005)**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 7-8, 13-18, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield (US 5,991,374) in view of Hunter et al. (US 6,647,417 B1).

Regarding **claim 1**, Hazenfield teaches a messaging method for use with recorded digital audio media played in digital audio media players (the remotely controllable message delivery system 10 broadcasts message playlist to CD player of the message playback devices 24a-24d, abstract, Fig. 1, col. 1, lines 9-33; col. 1, line 64 to col. 2, line 63; to playback messages such as music, advertisement or telephone voice messages; col. 3, lines 49-55; col. 3, lines 59-62; col. 1, lines 16-33), having the method comprising step of providing, the remotely controlled playlist messages, to the digital audio media players 24 via microwave link 31 (col. 5, line 41 to col. 6, line 4). Hazenfield fails to teach the broadcast message, such as promotional, informational, instruction, messages to a digital audio media player, for receiving messages as a result of said step of providing, the storing received messages and playing a stored message in response to a playback operation of the digital audio media player. However, Hunter et al. (hereafter as Hunter) teaches these features [ the computer based user station having digital audio media player (130, Fig. 1, abstract; the CD burner in Fig. 2), for receiving of the wirelessly broadcast advertisement, promotions, together with music, for the automatic downloading to user computer station for playing back these messages (col. 13, line col. 13 to col. 14, line 41, Fig. 6) having the promotion-based

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streaming, "you've got NEW tunes" in Fig. 13). The CD burner drive is inherently storing advertisement message from the downloading action. The user can playback the downloaded stored promotional message from the preview operation (Fig. 2, col. 3, lines 52-55; upper right corner of Fig. 10), and then, purchase the music after the preview]. Hunter teaches the better music distribution method by providing targeted advertisement to user for preview (col. 3, lines 24-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield with Hunter's advertisement with music, in order to sale more music, with the advertisement in previewing.

Regarding **claim 7**, Hazenfield teaches the step of playing including steps of forming a message play plan (the screens for guiding operator to select from group, for which audio message is to be played, and which of a number of subsets is to play and the order sequence of playing in col. 2, lines 11-25), to determine how many message should be played from memory in response to playback operation (the selected audio message, in col. 2, lines 14-15, the audio message in storage device in col. 2, lines 5-6).

Regarding **claim 8**, Hazenfield teaches the step of playing includes a step of launching the message play plan (to play selected audio messages in col. 2, lines 11-15; the play selected message in the playlist in col. 3, lines 59-65).

Regarding **claim 13**, Hazenfield teaches the step of playing including selecting a message from memory based upon a track title (Fig. 11, the Title for the descriptive title of message; the LISt for play list name in Fig. 16, for the distributed message to remote CD player 24). Benyamin teaches the playback operation is a track end (in step 936, Fig. 12, processor playing audio, video, data, if the message was end of track then in step 962 processor 302 causes the music player to play next track, to playback the next music track. In step 964,

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processor sends the text information about the current music track being played to controller 320).

Regarding **claim 14**, Hazenfield teaches a messaging promotion (the playback message includes advertisement, music, other audio, col. 3, lines 49-52, 50% saving & extended business hours, col. 5, lines 4-7), method for use with recorded digital media played in digital audio media player (the CD player of the playback device 24a-24d, Fig. 1), the method comprising steps of arranging distribution of portable digital audio media players capable of playing digital audio media (the computer 14 arrange message to be transmitted to selected remote CD player 24a with message playlists and other information, having track numbers, and server 12 transmits playback message via radio paging, col. 5, lines 18-49), Hazenfield fails to teach the broadcast message, such as promotional, informational, instruction, messages to a digital audio media player, for receiving messages from a wireless broadcast, storing received messages and playing message in responses to the playback operation of the digital audio media player to a target group of people; providing a message broadcast to players distributed in said step of distributing. Hunter et al. (hereafter as Hunter) teaches these features [ the computer based user station having digital audio media player (130, Fig. 1, abstract; the CD burner in Fig. 2), for receiving of the wirelessly broadcast advertisement, promotions, together with music, for the automatic downloading to user computer station for playing back these messages (col. 13, line col. 13 to col. 14, line 41, Fig. 6) having the promotion-based streaming, "you've got NEW tunes" in Fig. 13). The CD burner drive is inherently storing advertisement message from the downloading action. The user can playback the downloaded stored promotional message from the preview operation (Fig. 2, col. 3, lines 52-55; upper right corner of Fig. 10), and then, purchase the music after the preview]. Hunter teaches the better music distribution method by providing

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targeted advertisement to user for preview (col. 3, lines 24-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield with Hunter's advertisement with music, in order to sale more music, with the advertisement in previewing.

Regarding **claim 15**, Hazenfield teaches the arranging manufacture, prior to said step of distributing, player to be distributed in the step of distributing (the recorded certain requested written messages onto optical discs distributed to each remote site, col. 4, lines 45-57).

Regarding **claim 16**, Hazenfield teaches the arranging includes arranging for marking of players to be distributed with promotion indica (the 50% saving & extended business hours, col. 5, line 11-17).

Regarding **claim 17**, Hazenfield teaches the messages promote music and including music samples (the playback message referring to music, advertisement, other recorded audio signals, col. 3, lines 49-55).

Regarding **claim 18**, Hazenfield teaches the arranging comprises distributing to at least two target groups of people (people in different geographical regions A, B, 26, 28, col. 4, lines 25-40).

Regarding **claim 21**, Hazenfield teaches a message receiving and playing digital audio media player (the message playback devices 24a-24d for receiving message playlists via communication link 31, Fig. 1 and abstract) comprising a digital audio medium module (the playback device 24a-24d, Fig. 1) which plays digital audio media (the playback device 24a-24d for playing of selected message, col. 6, lines 34-36), a wireless receiver module (receiver 34, Fig. 2) which receives messages from a wireless (the receiving of playlist message via microwave link or other communications link, in col. 5, lines 41-49), an audio output which produces audio in response to playing of digital audio media or outputting of

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messages from memory (the audio output circuit 39, the speaker output 41, Fig. 2 for generating of the audio signal in col. 5, line 64 to col. 6, line 4), an interface to interface the audio output to the digital audio medium module and the wireless receiver module (the interface, micro-controller 50 and controller board 40, to interface audio to media disc 35 and the receiver 52, Fig. 2). Hazenfield fails to teach the receiving of wireless broadcast messages, such as promotional, informational, instruction message, for storing received message, and outputs stored message in response to a playback operation. Hunter teaches these features [ the computer based user station having digital audio media player (130, Fig. 1, abstract; the CD burner in Fig. 2), for receiving of the wirelessly broadcast advertisement, promotions, together with music, for the automatic downloading to user computer station for playing back these messages (col. 13, line col. 13 to col. 14, line 41, Fig. 6) having the promotion-based streaming, "you've got NEW tunes" in Fig. 13). The CD burner drive is inherently storing advertisement message from the downloading action. The user can playback the downloaded stored promotional message from the preview operation (Fig. 2, col. 3, lines 52-55; upper right corner of Fig. 10), and then, purchase the music after the preview]. Hunter teaches the better music distribution method by providing targeted advertisement to user for preview (col. 3, lines 24-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield with Hunter's advertisement with music, in order to sale more music, with the advertisement in previewing.

Regarding **claim 22**, Hazenfield teaches a message method for use with recorded digital audio media played in digital audio media players (the message playback devices 24a-24d for playback receiving message play lists to play selected messages, Fig. 1 and abstract), the method comprising steps of loading messages into memory of digital audio media player

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(the receiving, loading, demodulated signals into memory 55 of the playback device 24, Fig. 2, col. 6, lines 30-32). Hazenfield fails to teach the broadcast message, such as promotional, informational, instruction, messages to a digital audio media player, for receiving messages as a result of said step of providing, the storing received messages and playing a stored message in response to a playback operation of the digital audio media player. However, Hunter et al. (hereafter as Hunter) teaches these features [the computer based user station having digital audio media player (130, Fig. 1, abstract; the CD burner in Fig. 2), for receiving of the wirelessly broadcast advertisement, promotions, together with music, for the automatic downloading to user computer station for playing back these messages (col. 13, line col. 13 to col. 14, line 41, Fig. 6) having the promotion-based streaming, "you've got NEW tunes" in Fig. 13). The CD burner drive is inherently storing advertisement message from the downloading action. The user can playback the downloaded stored promotional message from the preview operation (Fig. 2, col. 3, lines 52-55; upper right corner of Fig. 10), and then, purchase the music after the preview]. Hunter teaches the better music distribution method by providing targeted advertisement to user for preview (col. 3, lines 24-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield with Hunter's advertisement with music, in order to sale more music, with the advertisement in previewing.

2. Claims 2, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield in view of Hunter, as applied to claim 1 above, and further in view of Benyamin et al. (US 6,721,489 B1).

Regarding **claim 2**, Hazenfield does not teaches the playback operation comprising a track end. However, Benyamin teaches the playback operation comprising a track end (in step 936, Fig. 12, processor playing audio, video, data, if the message was end of track then in



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step 962 processor 302 causes the music player to play next track, to playback the next music track. In step 964, processor sends the text information about the current music track being played to controller 320). Benyamin teaches the improved technique for having a play list manager to create play music play list based on the specified criteria (abstract, Fig. 1, Fig.13-16, Fig. 20), the efficiently handling large number of music playing in play list by automatically adding the music tracks (col. 1, line 37 to col. 2, line 13). Benyamin teaches the efficient end of track playback operation by automatically playing next track (steps 960, 962). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield, Hunter with Benyamin's controlling the end of track playback operation, such that the music playback operation could automatically play next track without interrupting the listening.

Regarding **claim 23**, Hazenfield teaches the step of playing including selecting a message from memory based upon a track title (Fig. 11, the Title for the descriptive title of message; the LISt for play list name in Fig. 16, for the distributed message to remote CD player 24). Benyamin teaches the playback operation is a track end (in step 936, Fig. 12, processor playing audio, video, data, if the message was end of track then in step 962 processor 302 causes the music player to play next track, to playback the next music track. In step 964, processor sends the text information about the current music track being played to controller 320).

3. Claims 3, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield in view of Hunter, Benyamin, as applied to claim 2 above, and further in view of Robbins (US 6,728,167 B1).

Regarding **claim 3**, Hazenfield and Benyamin fail to teaches a random number of messages are played by the step of playing in response to a playback operation. However, Robbins teaches a random number of messages are played by the step of playing in response to a playback operation (the CD player for playing music interspersed with commercial messages in abstract; the random playback from the play list in col. 7, lines 31-37; the total number of tracks of music between commercials TM in Fig. 3A; the identifying a music track in Fig. 5A; the generating of play list, play plan, in steps 530-564; the sixteen DTMF tone codes for controlling, indicating the position, Fig. 3, of the commercial message or the music track in col. 3, lines 26-37, col. 5, lines 48 to col. 6, lines 31, Fig. 4). Robbins teaches an efficient technique for controlling the rate of interruption of commercial message during the music play, with a minimal user intervention, having DTMF tone codes for controlling the playback operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield, Hunter with Robbins's play list for random playback, such that the message playback could be upgraded by randomly, conveniently, playing back of the message, instead of sequentially playing back.

Regarding **claim 9**, Hazenfield fails to teach the erasing control code data when either the digital audio medium in the player is removed or the player is turned off, However, Benyamin teaches the user can delete a play list (col. 13, line 4, col. 12, line 51 to col. 13, line 4). It would be obvious for the player to erase the play list plan when the audio media is removed or the player is turned off, such that the memory space of the media player could be freed up for efficient utilization. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield, Hunter with Benyamin's erasing of a play list, such that the memory space of the media player could be freed up for efficient utilization. Hazenfield, Hunter, Benyamin do not teach the reading control code, storing

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control code data wherein the control data indicates at least break locations between tracks, executing the message play plan. However Robbins teaches reading control code (generate play list in step 534, read and check control code DTMF in steps 540, 556 and read interrupt rate in step 548 in Fig. 5B and the sixteen DTMF tone codes for controlling, indicating the position, Fig. 3, of the commercial message or the music track in col. 3, lines 26-37, col. 5, lines 48 to col. 6, lines 31, Fig. 4), storing control code data wherein the control data indicates at least break locations between tracks (the cue commercial track in steps 552, 550, for storing of the control code DTMF into generated play list, and the DTMFs is interspersed between music, Fig. 3, abstract; marking and saving commercial message to be played in col. 7, lines 3-10), executing the message play plan (the playing of the disc begins at step 528 in col. 7, lines 24-25; the step 544 for verifying of end of playlist and executing the playlist by play commercial track at step 554). Robbins teaches the efficient playback control with minimum user intervention, by reading of the DTMF codes for the music track with interspersed with commercial messages (col. 1, line 35 to col. 2, lines 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield combined with Benyamin above, and to include Robbins' play list with DTMF control codes, such that playback of the music and commercial message could be efficiently performed with minimum user intervention, by utilizing the DTMF control codes.

Regarding **claim 10**, Robbins teaches the checking memory to determining a number of messages stored therein (the informing of the controller of the rate at which the commercial messages should be interrupt the music in abstract, for the determining of the number of messages on CD player; and in col. 3, lines 5-12), determining, using the control code data track on the digital audio medium that will have message played between them (the number

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of tracks of music between commercials, Fig. 3), determining based on the number of message stored in memory (rate of interruption from stored commercial message) and the number of breaks between tracks indicated by the control code (DTMF code), a number of message to play at teach break between tracks (the checking of DTMF in step 556, and the incrementing of the counting of commercial track in step 560, for counting of the commercial message to playback).

Regarding **claim 11**, Robbins teaches the using the control code data track (DTMF code), includes randomness (the random playback from the play list in col. 7, lines 31-37).

Regarding **claim 12**, Robbins teaches launching a message play plan (the play disc begin in step 528 and play commercial in step 5554), identifying using control code data a next track on the digital audio medium to be played (step 540 for verifying DTMF for music track), using the message play plan to determine if a message is to be played before the next track (the step 556 for verifying the DTMF code for commercial message, and step 560 for incrementing counter for commercial message) if no message is be played returning to the step of identifying (if no DTMF at step 556, go to start 558), otherwise, determining the number of message to be played from the message play plan (step 560, incrementing commercial message counter) and pulling that number of messages from memory (playing the number of commercial tracks in step 554 based on the rate value of the commercial interruptions in step 548) and playing the messages pulled from memory (play commercial track in step 554) prior to next track (cue next track on playlist at step 550).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield in view of Hunter, as applied to claim 1 above, and further in view of Lakhansingh (US 6,041,023).

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Regarding **claim 4**, Hazenfield, Hunter fail to teach a step of converting, after the step of receiving a received message if the message is in analog format. However, Lakhansingh teaches the a step of converting, after the step of receiving a received message if the message is in analog format (the radio receiver converts received signals into digital data signals 20, col. 3, lines 39-46, Fig. 5, radio receiver A/D). Lakhansingh teaches a portable compact disk CD player 10 can save the favorite music selections from broadcast station AM/FM, and writes the music selections to the CD player for playing back (abstract, Fig. 1-5), having the improved technique for storing, editing, retrieving of the audio, video information from the CD player (col. 2, line 49 to col. 3, lines 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield, Hunter, with Lakhansingh's portable radio CD player 10 for converting received signal to digital signal and writing to disk memory of the CD player, such that the favorite music selections could be efficiently saved to a compact disk for playing back favorite song later.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield in view of Hunter, as applied to claim 1 above, and further in view of Kuroda (US 6,311,011 B1).

Regarding **claim 5**, Hazenfield, Hunter fail to teach the claimed features for this claim. However, Kuroda teaches the initially storing a received message in short term storage (temporary recording to HDD in step S101, Fig. 3 in the recording of audio, video signals), checking long term memory to see if space available for the received message (calculate a capacity for storing contents in step S104), then if space is available for the received message (is remaining capacity enough in step S107), transferring the received message to long term memory (if yes, go to step S108, S109, to copy the temporary recorded contents

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to the selected storage device), else freeing space in long term memory (deleting the content signals of the old program recorded in abstract) and then transferring the received message to long term memory. Kuroda teaches the efficient recording with improved technique by confirming the available memory space is large enough for recording, and making memory space for recording by deleting the oldest stored program. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield, Hunter, with Kuroda's message storing techniques, having temporary storage, the verifying of available space for transferring message from temporary storage to selected, long term, storage, such that the recording could be efficiently performed by verifying the available memory space and by making free space by deleting oldest stored program. Regarding **claim 6**, Kurada teaches the deleting messages beginning with oldest message until enough space exists for the received message (in abstract).

6. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield in view of Hunter, as applied to claim 18 above, and further in view of Hendricks et al. (US 6,463,585 B1).

Regarding **claim 19**, Hazenfield, Hunter fail to teach the claimed features for this claim. However, Hendricks et al. (Hendricks) teaches the player having different receiving channel are distributed to separate target groups (the assigning advertising channels to groups watching particular categories of program in Fig. 31, col. 8, lines 44-46), and the separate broadcast by using separate channels (the broadcast particular program, with groups 1 and 2 receiving the targeted advertising carried on the program channel and groups 3-4 receiving the targeted advertising carried on feeder channel 1, Table F). Hendricks teaches the improved technique for efficiently delivery of targeted advertisement to customers (col. 2,

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line 59 to col. 3, line 48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield, Hunter with Hendricks's targeted advertisement on different broadcast channel, such that the targeted advertisement could be efficiently presented to customer on a different channel without interrupting other channel.

Regarding **claim 20**, Hendricks teaches the separate target groups are geographically separated and the separate broadcast is achieved by geographic separation between broadcast (the targeted advertising group categories is mapped with the demographic customer cluster group in the process for assigning targeted advertisement to broadcast program channels and feeder channels, based on the zip code +4 data in col. 35 lines 1-15, Table E, Table F, Table G).

### ***Response to Arguments***

7. Applicant's arguments filed 7/21/2005 have been fully considered but they are not persuasive.

Regarding applicant's amendment for the providing, receiving, a promotional, informational or instructional message, storing received promotional, informational or instructional, and playing promotional, informational or instructional message, Hazenfield and Hunter teaches these features, as shown above.

Regarding applicant's argument for Hunter-'417 B1 is in different field from Hazenfield-'374, for combining Hunter to Hazenfield, Hunter teaches the music distribution system [title, abstract] and Hazenfield teaches the playback of playlist at remote playback device 24, for the music on hold system [title, abstract, Fig. 1], for the music, audio, promotions of products [col. 1, lines 16-19], both Hunter and Hazenfield are in the similar field for music distribution. Hazenfield teaches the sale of music, audio, in the music on hold system by playing back the playlist at remote station 24, for audio

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promotions of products [abstract, col. 1, lines 16-19], for Hunter's music distribution system.

Regarding the no teachings of the Hunter's CD burner drive is not inherently to store Advertisement by downloading, Hunter teaches the storing of the music catalog and other advertising information and the receiver selectively stores the advertisement on hard drive, digital media player, for playback via display [ col. 13, lines 34-50], the downloading, storing promotional music with advertisement to intermediate storage [col. 13, lines 54-66]. Beside, Hazenfield also teaches the playing back of the message on CD player 24 [abstract], of the advertisement message [col. 3, lines 49-55].

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm.

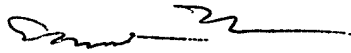


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow *CC*

September 6, 2005.

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600